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No. 83-1795

In the Supreme Court of the United States

OCTOBER TERM, 1983

TODD PACIFIC SHIPYARDS AND THE AETNA CASUALTY AND SURETY CO., PETITIONERS

v.

DIRECTOR, OFFICE OF WORKERS' COMPENSATION PROGRAMS, AND ELBRIDGE STEVENS, III

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

MEMORANDUM FOR THE FEDERAL RESPONDENT IN OPPOSITION

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The judgment of the court of appeals in this civil case was entered on November 9, 1983. A petition for rehearing was denied on January 26, 1984. See Pet. 1. The time provided by 28 U.S.C. 2101(c) within which to file a petition for certiorari therefore expired on April 25, 1984. The petition was not filed until April 26, 1984. The time limit provided by Section 2101(c) is jurisdictional. *Department of Banking* v. *Pink*, 317 U.S. 264 (1942).

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

REX E. LEE
Solicitor General

MAY 1984

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